REMARKS

Reconsideration of this application as amended, and withdrawal of the rejections set forth in the Office Action dated November 28, 2008, are respectfully requested.

In the Office Action, claims 19-37 and 48-84 are pending and rejected.

In this response, no claim has been cancelled. Claims 19, 33, 48, 65, 75 have been amended. No new matter has been added. Thus, claims 19-37 and 48-84 remain pending.

Interview Summary

Applicants thank Examiner Alam Mushfikh and his Supervisory Examiner for granting a telephone interview with Applicants' counsel on February 26, 2009. The interview included discussions of the Office Action's 35 U.S.C. §102 rejections of claim 19, 48, 65 in view of the alleged reference *Outten*. Further, a proposed set of amendments were extensively discussed. Agreement was reached that the proposed set of amendments appeared to overcome the cited reference, pending further examination.

Applicants respectfully submit that claims in this response substantially reflect the proposed set of amendments, and are patentable over the cited references.

Discussion of the Rejections in the Office Action

35 U.S.C. § 102 Rejections

In the Office Action, claims 19, 22-31, 34-37, 48-51, 54-55, 57-60, 62-69, 71, 73-74, 77, 80 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Outten el al. (US Patent No. 7,024,466, hereinafter "*Outten*"). Applicants do not admit the above reference is prior arts and reserve the right to challenge these references at a later date.

To anticipate a claim, a reference must teach each and every element of the claim. Independent claim 19 recites:

19. An improved method for purchasing movies for playback, the method comprising:

displaying an online catalog for a user to select movies for playback;

receiving encrypted copies of selected movies at a set-top box with Internet connectivity, at least some of the encrypted copies being received from other set-top boxes, **and the set-top box is capable of sending the encrypted copies to the other set-top boxes**;

receiving a media pass, purchased by the user, for a particular one of the selected movies that have been received at the set-top box;

decrypting, at the set-top box, the particular one of the selected movies with a decryption key, wherein the decryption key is obtained from a key server based on the media pass;

authorizing playback of the particular one of the selected movies.

(*Emphasis added*)

Independent claim 48 recites:

48. A method for providing video content to a client device for playback, the method comprising:

connecting the client device to a broadband connection to provide the client device with access to the Internet;

displaying a catalog of available videos at a Web server accessible to the client device through the broadband connection;

in response to a request for delivery of a selected video available in the catalog at the Web server, transferring an encrypted copy of the selected video to the client device, at least some of the selected video being received from other client devices, **the client device being capable of sending the encrypted copy of the selected video to the other client devices**;

in response to a user purchase of the selected video at the client device, granting a media pass to the client device;

in response to a user submission of the media pass, providing a decryption key by a key server;

in response to a user requesting playback of the selected video at the client device, decrypting the selected video with the decryption key, and playing-back the decrypted video at the client device.

(*Emphasis added*)

Independent claim 65 recites:

65. A system for obtaining and playing media files, the system comprising:

a connection module for providing a set-top box with Internet access;

a set-top box having a user interface for requesting media files from an online catalog on a server available via the Internet, storage capacity for storing media files at least some of which being received from other set-top boxes in response to requests for media files, and capability for obtaining a media pass, **obtaining a decryption key from a key server based on the media pass**, decrypting media files with the decryption key, rendering media files for playback, **wherein the set-top box is capable of sending the media files to the other set-top boxes**; and

a television device connected to the set-top box for playing media files.

(*Emphasis added*)

Applicants respectfully submit that *Outten* does not teach each and every element of the independent claims 19, 48 and 65.

Cited Reference

Outten discloses a network system and processes for delivery of electronic content to recipient. The system includes a main server, a plurality of parent servers, and a plurality of edge servers. A copy of each content item available through the service is distributed from the main server to each parent servers for storage. Parent servers distribute content to edges servers. The main server receives and processes requests from recipient, and directs recipient to edge servers for obtaining requested content items (See Abstract).

Outten discloses that its recipient processors (also referred to as user devices or user network devices) comprise set-top boxes. See *Outten* column 5, lines 30-55. However, *Outten* does not teach or suggest any of its servers comprising set-top boxes. Therefore, *Outten* discloses its recipient processors, e.g., set-top boxes, receiving delivery of electronic content from servers; it does not disclose its recipient processors receiving delivery of electronic content from other recipient processors.

In addition, *Outten* does not disclose its edge servers or its recipient processors are capable of sending the electronic content to the other edge servers or other recipient processors. The Office Action suggests that "in peer to peer networks, clients and servers are treated as equals." And "all servers and recipient processors are equals and can receive information from each other." (See the Office Action page 2). However, in a peer-to-peer connectivity, each node can not only receive information from the other nodes, but can also send information to the other nodes. *Outten* does not teach or suggest that its edge servers or its recipient processors can send the electronic contents to the main server, parent servers, other edge servers, or other recipient processors. Because *Outten* does not disclose a network in which each node in the network can send and receive information from other nodes, *Outten* does not disclose peer-to-peer connectivity among any of its devices. Therefore, *Outten* does not disclose that a set-top box is

capable of sending the encrypted copies to the other set-top boxes, as substantially recited in claims 19, 48 and 65.

Further, *Outten* discloses purchasing a license for allowing the download of the selected content item, and later using the license to allow media player tool to decrypt and play the content items (See *Outten* column 8, lines 36-64). However, *Outten* does not disclose using a license for obtaining a decryption key from a key server. Therefore, *Outten* does not disclose providing a decryption key by a key server based on a media pass, as substantially recited in claims 19, 48 and 65.

Reference distinguished

To anticipate a claim, a reference must teach each and every element of the claim.

As discussed above, *Outten* does not disclose that a set-top box is capable of sending the encrypted copies to the other set-top boxes, as recited in independent claims 19, 48 and 65. For this and previously stated reasons, claims 19, 48 and 65 are allowable over *Outten*.

Dependent claim 22 further recites "transferring movies received at the set-top box to other set-top boxes." As discussed above, *Outten* does not disclose that its recipient processor is capable of sending the encrypted copies to the other recipient processors. Thus, *Outten* does not disclose transferring electronic content received at a recipient processor to other recipient processors. For at least the above reason, claim 22 is further allowable over *Outten*.

For similar reasons, claims 22-31 and 34-37 are allowable at least for depending from independent claim 19; claim 49-51, 54-55, 57-60, 62-64 are allowable at least for depending from independent claim 48; and claims 66-69, 71, 73-74, 77, 80 are allowable at least for depending from independent claim 65; and potentially for other reasons as well.

Accordingly, Applicants respectfully submit that the invention claimed in claims 19, 22-31, 34-37, 48-51, 54-55, 57-60, 62-69, 71, 73-74, 77, 80 are not anticipated by *Outten* under 35 U.S.C. § 102(e) and respectfully request the withdrawal of the rejections of the claims.

35 U.S.C. § 103 Rejections

Claim 21 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of Wagner et al. (US Patent No. 6,871,323, hereinafter "*Wagner*").

Claim 32 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of Hendricks (US Patent No. 6,557,173, hereinafter "*Hendricks*").

Claims 33, 75-76, 78-79 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of Asamoto et al. (US Patent No. 7,017,179, hereinafter "*Asamoto*").

Claims 52, 70 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of Bogot et al. (US Patent No. 7,337,464, hereinafter "*Bogot*").

Claims 53, 72, 82-84 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten*.

Claims 56-57 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of Karaoguz et al. (US Patent No. 7,257,549, hereinafter " *Karaoguz* ").

Claims 61, 81 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of Watson et al. (US Pub No. 2004/0133923, hereinafter " *Watson* ").

Applicants do not admit that the above references are prior arts and reserve the right to challenge these references at a later date.

Cited References

Wagner discloses a graphic user interface (GUI) for a television set-top box which includes a web browser. The GUI generates menu screens that are superimposed over

conventional television video images, so that the user can view browser graphics generated by the GUI while viewing television images in the background. See Abstract.

However, *Wagner* does not disclose that a set-top box is capable of sending the browser graphics or web contents to other television set-top boxes, as substantially recited in claim 19.

Hendricks discloses a portable electronic book viewer receives electronic text and graphic files, or electronic books, by connection to a television program delivery system. The electronic books may be provided as compressed data that is transmitted with a video signal. The electronic books may be received at a set top terminal, and stored in memory at the set top terminal. The portable viewer may receive the electronic books from the set top terminal, and decompress the electronic books for display and viewing. See Abstract.

However, *Hendricks* does not disclose that a portable electronic book viewer is capable of sending the electronic books to other portable electronic book viewers, or a set top terminal is capable of sending the electronic books to other set top terminals, as substantially recited in claim 19.

Asamoto discloses a data receiving apparatus and method suitable for reserving a program of a data broadcast which transmits same data in repetition in each of different programs broadcasted over multiple channels. The apparatus and method may assign an arbitrary priority to reserve a program of temporally overlapping data broadcasts. The priority can be easily changed or reassigned. See *Asamoto* column 2 Summary of the Invention.

However, *Asamoto* does not disclose that a data receiving apparatus is capable of sending the data broadcast to other data receiving apparatus, as substantially recited in claims 19 and 65.

In addition, *Asamoto* allows a user to assign priorities to different programs for download. The priority is utilized to ensure that high priority program never fail to be downloaded, while the low priority program may fail to be downloaded. See *Asamoto* column 7, lines 15-20. Thus, *Asamoto* discloses a priority list that controls the order of downloading the programs with different priorities. However, *Asamoto* does not disclose a priority list controlling

which programs are received from other data receiving apparatuses, as substantially recited in claim 33.

Further, *Asamoto* does not disclose a data receiving apparatus receiving the data broadcast from other data receiving apparatus. Therefore, *Asamoto* does not disclose a data broadcast for arranging delivery of programs from other apparatuses to the data receiving apparatus in response to requests received from the apparatus, as substantially recited in claim 75.

Bogot discloses a broadcasting system including a transmitter operative to transmit a signal in a first transmission format, a receiver operative to receive the signal, a reformatter operative to reform the received signal into a second transmission formation, and a set-top box operative to decode the second-transmission-formatted signal. See Abstract.

However, *Bogot* does not disclose that a set-top box is capable of sending the signals to other receivers or set-top boxes, as substantially recited in claims 48 and 65.

Karaoguz discloses a system providing support for user transactions in a media exchange network. An embodiment may comprise a television display, storage, and a set top box, and may provide an interface device for receiving from a user associated authorization device, information for authorizing user transactions via a communication network. See Abstract. Such embodiment may comprise server software that receives, via the communication network, a request comprising network address, information identifying user transaction, and information for authorizing a user transaction. The server software may respond by enabling the completion of the identified user transaction without divulging the identity of the user to a vendor See *Karaoguz* column 2, lines 33-40.

Karaoguz also discloses a PC with media exchange software (MES) installed to push media channels to other users' media processing systems (MPS) on the media exchange network. See *Karaoguz* column 9, lines 21-31, and line 61- column 10, line 17.

However, *Karaoguz* does not disclose a PC with a MES system pushing media to other MES systems. Nor does it disclose a MPS system pushing media to other MPS systems.

Therefore, *Karaoguz* does not disclose that a client device is capable of sending a media to other client devices, as substantially recited in claim 48.

Karaoguz further discloses transferring payment for authorization and delivery of products and services to users. See *Karaoguz* Fig. 2B. Still, *Karaoguz* does not disclose providing a decryption key by a key server based on a media pass, as substantially recited in claim 48.

Watson discloses a system and method for providing views access to a library of movies or other contents for viewing at any time. The movies are transmitted to set-top box by using a broadcast file transfer protocol and stored on the hard driver of the set-top box. The movies can be pushed down by the producer to reside passively in the box for a finite time period. See Abstract.

However, *Watson* does not disclose that a set-top box is capable of sending the movies to other set-top boxes, as substantially recited in claims 48 and 65.

References distinguished

To establish a prima facie case of obviousness required for a §103 rejection, the references must teach or suggest all the claim limitations.

Claim 21 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of *Wagner*.

As discussed above, *Outten* does not disclose that a set-top box is capable of sending the encrypted copies to other set-top boxes. As further discussed above, *Wagner* does not disclose that a set-top box is capable of sending the browser graphics or web contents to other television set-top boxes. Therefore, *Outten* in view of *Wagner* does not teach or suggest all elements of claim 19.

Since claim 21 is allowable at least for depending from an allowable base claim 19, and potentially for other reasons, Applicants respectfully request the withdrawal of the rejection of claim 21 under 35 U.S.C. §103(a) over *Outten* in view of *Wagner*.

Claim 32 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of *Hendricks*.

As discussed above, *Outten* does not disclose that a set-top box is capable of sending the encrypted copies to other set-top boxes. As further discussed above, *Hendricks* does not disclose that a portable electronic book viewer is capable of sending the electronic books to other portable electronic book viewers, or a set top terminal is capable of sending the electronic books to other set top terminals. Therefore, neither *Outten* nor *Hendricks* teach or suggest all elements of claim 19.

Since claim 32 is allowable at least for depending from an allowable base claim 19, and potentially for other reasons. Applicants respectfully request the withdrawal of the rejection of claim 32 under 35 U.S.C. §103(a) over *Outten* in view of *Hendricks*.

Claims 33, 75-76, 78-79 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Outten* in view of *Asamoto*.

As discussed above, *Outten* does not disclose that a set-top box is capable of sending the encrypted copies to the other set-top boxes. As further discussed above, *Asamoto* does not disclose that a data receiving apparatus is capable of sending the data broadcast to other data receiving apparatus. Therefore, neither *Outten* nor *Asamoto* teach or suggest all elements of claims 19 and 65.

Dependent claim 33 recites:

33. The method of claim 19, further comprising:

creating a priority list for the user, based on user selections from the online catalog, **said priority list controlling which movies are received from the other set-top boxes.**

(Emphasis added)

As further discussed above, *Asamoto* does not disclose a priority list controlling which programs are received from other data receiving apparatuses. Therefore, *Outten* in view of *Asamoto* does not teach or suggest all elements of claim 33. Thus, claim 33 is allowable at least for depending from an allowable base claim 19, and for the above reason.

Claim 75 recites:

75. The system of claim 65, wherein said server **arranges delivery of media files from the other set-top boxes to the set-top box in response to requests received from the set-top box.**

(*Emphasis added*)

As discussed above, *Asamoto* does not disclose a data broadcast for arranging delivery of programs from other apparatuses to the data receiving apparatus in response to requests received from the apparatus. Therefore, neither *Outten* nor *Asamoto* teach or suggest all elements of claim 75.

Thus, claims 75-76, 78-79 are allowable at least for depending from an allowable base claim 65, and potentially for other reasons. Applicants respectfully request the withdrawal of the rejections of claims 33, 75-76, 78-89 under 35 U.S.C. §103(a) over *Outten* in view of *Asamoto.*

Claims 52, 70 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Outten* in view of *Bogot.*

As discussed above, *Outten* does not disclose that a set-top box is capable of sending the encrypted copies to other set-top boxes. As further discussed above, *Bogot* does not disclose that a set-top box is capable of sending the signals to other receivers or set-top boxes. Therefore, neither *Outten* nor *Bogot* teach or suggest all elements of claims 48 and 65.

Thus, claim 52 is allowable at least for depending from an allowable base claim 48, and claim 70 is allowable at least for depending from an allowable base claim 65, and potentially for other reasons. Applicants respectfully request the withdrawal of the rejections of claims 52 and 70 under 35 U.S.C. §103(a) over *Outten* in view of *Bogot*.

Claims 53, 72, 82-84 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Outten*.

As discussed above, *Outten* does not disclose that a set-top box is capable of sending the encrypted copies to other set-top boxes, as substantially recited in claims 48 and 65. Therefore, claims 53, 72, 82-84 are allowable at least for depending from allowable base claims 48 and 65, respectively, and potentially for other reasons.

Applicants respectfully request the withdrawal of the rejections of claims 53, 72, 82-84 under 35 U.S.C. §103(a) over *Outten*.

Claims 56-57 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Outten* in view of *Karaoguz*.

As discussed above, *Outten* does not disclose that a set-top box is capable of sending the encrypted copies to other set-top boxes. Neither does *Karaoguz* disclose that a client device is capable of sending a media to other client devices, as substantially recited in claim 48. Therefore, claims 56-57 are allowable at least for depending from an allowable base claim 48, and potentially for other reasons.

Further, claim 48 substantially recites providing a decryption key by a key server based on the media pass submitted by the client device. As discussed above, neither *Outten* nor *Karaoguz* discloses providing a decryption key by a key server based on a media pass, as substantially recited in claim 48. Therefore, claims 56-57 are also allowable at least for depending from an allowable base claim 48, and for the above reason.

Applicants respectfully request the withdrawal of the rejections of claims 56-57 under 35 U.S.C. §103(a) over *Outten* in view of *Karaoguz*.

Claims 61, 81 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Outten* in view of *Watson*.

As discussed above, neither *Outten* nor *Watson* discloses that a set-top box is capable of sending the movies to other set-top boxes, as substantially recited in claims 48 and 65. Therefore, claims 61, 81 are allowable at least for depending from allowable base claims 48 and 65, respectively, and potentially for other reasons.

Applicants respectfully request the withdrawal of the rejections of claims 61 and 81 under 35 U.S.C. §103(a) over *Outten* in view of *Watson*.

Conclusion

A Notice of Allowance is therefore respectfully requested. Should the Examiner find that a telephone or in-person conference would expedite the prosecution of this Application further, he is invited to contact the Applicants' counsel at the contact listed below for such a conference.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-2207, from which the undersigned is authorized to draw.

Dated: February 27, 2009

Respectfully submitted,

By _____

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